

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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CHAPTER L.

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ON THE PROBATE OF A WILL.

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SECTION 1. When a will is duly proved and allowed, the probate court shall issue letters testamentary thereon to the executor named therein, if he is legally competent, and accepts the trust and gives bond as required by law.

Letters testamentary, to whom issued.

SEC. 2. Every executor, before entering upon the execution of his trust, and before letters testamentary are issued, shall give bond to the judge of probate in such reasonable sum as he may direct, with one or more sufficient sureties, with conditions as follows: to make and return to the probate court within three months, a true and perfect inventory of all goods, chattels, rights, credits and estate of the deceased, which shall come to his possession or knowledge, or to the possession of any other person for him; to administer according to law and the will of the testator all his goods, chattels, rights, credits and estate, which shall at any time come to his possession, or to the possession of any other person for him, and out of the same pay and discharge all debts, legacies and charges, chargeable on the same, or such dividends thereon as are ordered and decreed by the probate court; to render a true and just account of his administration to the probate court within one year, and at any other time when required by such court; to perform all orders and decrees of the probate court, by the executor to be performed in the premises.

Bond to be given, how conditioned.

SEC. 3. If, however, the executor is a residuary legatee, instead of the bond prescribed in the preceding section, he may give a bond in such sum and with such sureties as the court may direct, with condition only to pay all the debts and legacies of the testator, and in such case he shall not be required to return an inventory.

Bond, when executor is residuary legatee.

SEC. 4. No person named as executor in a will, who neglects to accept the trust, or give bond as prescribed in this chapter, for twenty days after the probate of such will, shall intermeddle or act as executor.

Refusal to accept trust and give bond.

SEC. 5. If a person named executor in any will refuses to accept the trust, or neglects for twenty days after the probate of the same, to give bond as required by law, the probate court may grant letters testamentary to the other executors, if there are any capable and willing to accept the trust; and if there are none such, the court may commit administration of the estate with the will annexed, to such person as would have been entitled thereto if the deceased had died intestate.

Other executors appointed—when.

SEC. 6. When the person named executor in a will is under full age at the time of proving the will, administration shall be granted with the will annexed, during the minority of the executor to the person who would have been entitled thereto if the deceased had died intestate, unless there is another executor who accepts the trust and gives bond, and in that case

Proceedings, in case executor is a minor.

the executor who gives bond shall have letters testamentary, and shall administer the estate until the minor arrives at full age, when he may be admitted as joint executor on giving bond according to law.

SEC. 7. Every person appointed administrator with the will annexed, shall, before entering upon the execution of his trust, give bond to the judge of probate, in the same manner, and with the same condition as is required of an executor, and shall proceed in all things to execute the trust in like manner as an executor is required to do.

SEC. 8. When an unmarried woman, appointed an executrix, alone, or jointly with another person, marries, her marriage shall extinguish her authority as executrix.

SEC. 9. When an executor resides out of this state, or neglects, after due notice given by the judge of probate, to render his account and settle the estate according to law, or perform any decree of the court, or absconds, or becomes insane, or otherwise incapable or unsuitable to discharge the trust, the probate court may remove such executor.

SEC. 10. When an executor dies, or is removed, or his authority is extinguished, the remaining executor, if there is any, may execute the trust; and if there is no other executor, administration, with the will annexed, may be granted of the estate not already administered.

SEC. 11. When all the executors appointed in a will are not authorized according to the provisions of this chapter, to act as such, such as are authorized shall have the same authority to perform every act, and discharge every trust, required and allowed by the will; and their acts shall be as valid and effectual for every purpose as if all were authorized and acted together; and administrators with the will annexed, shall have the same authority to perform every act, and discharge every trust, as the executor named in the will would have had, and their acts shall be as valid and effectual for every purpose.

SEC. 12. The executor of an executor shall not, as such, administer the estate of the first testator, but on the death of the only surviving executor, administration of the estate of the first testator, not already administered, may be granted, with the will annexed to such person as the probate court may judge proper.

SEC. 13. When two or more persons are appointed executors of any will, the judge of probate may take a separate bond from each, or a joint bond from all, with sureties.

Administrator with the will annexed shall give bond.

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Marriage of executrix extinguishes her authority.

Executor may be removed, when.

Effect of death or removal of executor.

When all the executors cannot act those authorized may discharge trust.

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Separate or joint bonds may be taken.